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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,300	09/27/2001	Robert A. Koch	00986	5035
26285	7590	01/25/2006		
KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP 535 SMITHFIELD STREET PITTSBURGH, PA 15222			EXAMINER YANG, LINA	
			ART UNIT 2665	PAPER NUMBER

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/966,300

Applicant(s)

KOCH ET AL.

Examiner

Lina Yang

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant's Amendment filed on November 28, 2005 in response to the Examiner's Office Action has been reviewed. Claims 1, 3, 4, 7, 9, 10, 12, 15, 17, 18 and 19 have been amended.
2. Claims 1-20 are presented for examination.

### ***Response to Arguments***

3. Applicant's arguments filed 11/28/2005 have been fully considered but they are not persuasive. The following are the responses to the applicant's arguments.

Regarding claims 1-6, the applicant argues that Lamb does disclose the destination telephone number is imported from a database external to the server, page 6. However, fig. 3 and fig. 4 in Lamb clearly show that the database 220 is external to the server (203). More specifically, the description of fig. 4 (col. 29 lines 27-33) states that as illustrated, the telecommunications hosting server 203 in this example embodiment includes a data bus 215 that interconnects a processor 210 and a memory 230 encoded with a runtime environment 300 and a plurality of user agents 301-1 through 301-N. Since the database is not disclosed in the server, it has to be external to the server.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 7-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claims 7,15 and 18 are newly amended to recite "a first server of a secure data network" (claims 7 and 15) or " a server of a secure data network". There is no support of those limitations either in the figures or specification.

Regarding claims 7-19, due to the nature of 35 U.S.C. 112 first paragraph issue as indicated above, no prior art rejection can be applied at this time.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Lamb et al. (U.S. Patent No. 6,747,970 B1).

Regarding claim 1, Lamb teaches an apparatus (fig. 3) for allowing a calling party to initiate a telephone call from an Internet-enabled device (246 in fig. 3), the apparatus comprising a server (hosting server 203 in fig. 3) for receiving an originating telephone number and a destination telephone number in response to a command from the Internet-enabled device wherein at least the destination telephone number is imported from a database external to the server (fig. 3 and fig. 4; col. 27 lines 65-67; col. 28 lines 33-39 and col. 29 lines 27-33), for generating a call request (col. 28 lines 39-45), and for transmitting the request to a telecommunications network (col. 28 lines 45-47), to request the network to establish a connection between the originating telephone number and the destination telephone number (col. 20 lines 6-20; col. 28 lines 47-54).

Regarding claim 2, Lamb further teaches that the apparatus further comprising a database (220 in fig. 3) in communication with the server, the database having stored therein the call request (col. 19 lines 18-29).

Regarding claim 3, Lamb further teaches that the server transmits the call request to a service control point (203 in fig. 3) of the telecommunications network and

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wherein the call request includes instructions that cause the service control point (203 in fig. 3) to establish the connection through operation of at least one switch (203 in fig. 3) of the telecommunications network that is in communication with the service control point (203 in fig. 3).

Regarding claim 4, Lamb further teaches that the telecommunications network includes an advanced intelligent network (AIN) (the left half part of 205-1 in fig. 3).

Regarding claim 5, Lamb further teaches that the apparatus further comprising a communications network (200 in fig. 3) for connecting the Internet-enabled device to the server.

Regarding claim 6, Lamb further teaches that the Internet-enabled device is selected from the group consisting of a personal computer (246 in fig. 3), an Internet appliance, a personal digital assistant, a WAP-enabled device, and an interactive pager.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lina Yang whose telephone number is (571)272-3151. The examiner can normally be reached Monday through Wednesday between 8:00 a.m. and 7:00 p.m. eastern standard time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**ALPUS H. HSU  
PRIMARY EXAMINER**